

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

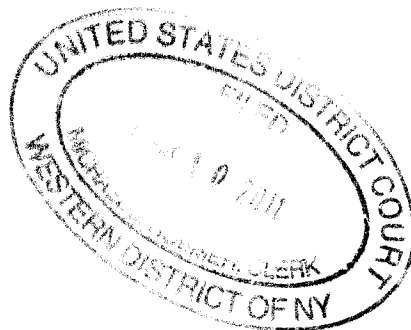
JAMES SEELEY, 03A1621

Plaintiff,

-v-

DR. SANDRA BUEHART;
DR. VICTORIA DUELL, FHSD; and
MALCOLM CURRY, Superintendent,

Defendants.



-PS-O-

DECISION AND ORDER
10-CV-6570CJS


By Order dated November 3, 2010, the Clerk of the Court was directed to cause the United States Marshal to serve copies of the summons and complaint upon the named defendants (Docket No. 3). Service has not been completed on defendant Duell, as noted in defendants' Memorandum in Support of Motion to Dismiss filed by Assistant Attorney General Benjamin A. Bruce, on behalf of defendants Buehart and Curry (Docket No. 14, page 1, footnote 1). The summons for service on defendant Duell was returned by Livingston Correctional Facility to the United States Marshal with a notation on the envelope that defendant Duell "quit" (Docket No. 5).

Pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997)(per curiam), the Court requests that Assistant Attorney General, Benjamin A. Bruce, provide the address where this defendant can currently be served. The Attorney General need not undertake to defend or indemnify defendant Duell at this juncture. This Order merely provides a means by which plaintiff may name and properly serve the defendant as instructed by the Second Circuit in Valentin.

Mr. Bruce is requested to produce the information specified above by April 8, 2011. The information should be sent to the Pro Se Office, 2120 U.S. Courthouse, 100 State Street, Rochester, New York 14614. Once this information is provided, the Clerk of the Court shall cause the United States Marshal to serve copies of the summons, complaint and Order dated November 3, 2010 (Docket No.3) upon defendant Duell.

SO ORDERED.

Dated: MAR. 9, 2011
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge